

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6361 OF 2015**

**Panchakshari Guru Gangadhar Swami
Sansthan, Vadangali**

..Petitioner

Vs.

Ramnath Balaji Khule & Ors

..Respondents

**Mr. Ramesh Dube-Patil, a/w Ms Shama Maulla i/b Ms Jay & Co. for the
Petitioner**

CORAM : R. M. SAVANT, J.

DATE : 20th July, 2015

P.C.

1 The Writ Jurisdiction of this Court is invoked against the order dated 11-11-2014 passed by the Maharashtra Revenue Tribunal (MRT), by which order, the Revision Application filed by the Petitioner came to be dismissed and resultantly the order dated 28-6-2011 passed by the Sub Divisional Officer, Niphad, granting permission to sell the land to the Respondents herein, came to be confirmed.

2 The Respondents herein are indisputedly the tenants of the land in question in whose favour there is an order passed under Section 32G of the Bombay Tenancy and Agricultural Lands Act, as also the certificate of purchase issued under Section 32M of the said Act. It is on the basis of the said two documents that the Respondents have become deemed purchasers of the land

in question of which ownership claimed by the Petitioner trust and pursuant to which the Respondents applied for permission to sell the lands under Section 43 of the said Act, which permission came to be granted by the SDO by his order dated 28-6-2011.

3 The Petitioner aggrieved by the said order dated 28-6-2011 challenged the same by way of a Revision before the MRT. The MRT having regard to the fact that there is an order under Section 32G in favour of the Respondent as also the certificate issued under Section 32M held that the Petitioner has no right in respect of the land in question and therefore cannot object to the permission being granted to the Respondents. The Tribunal accordingly rejected the Revision Application filed by the Petitioner.

4 The Learned Counsel for the Petitioner would contend that the Petitioner has filed an Appeal against the order passed under Section 32G before the Appellate Authority.

5 In my view, the said fact would not make any difference in so far as the permission granted under Section 43 is concerned, as unless the said order under Section 32G as well as the certificate issued under Section 32M are set aside there is no right in the Petitioner to object to the permission for sale granted to the Respondents herein. Hence there is no error of jurisdiction

or any other illegality or infirmity for this Court to interfere in its Writ Jurisdiction. The Writ Petition is accordingly dismissed.

6 Needless to state that the Appeal filed by the Petitioner against the order passed under Section 32G would be considered on its own merits and in accordance with law.

[R.M.SAVANT, J]